

REMARKS

Claims 1 and 4 are canceled.

The claims now before the examiner are claims 2, 3, 5, 6, 8 and 12.

THE AMENDMENTS AND NEW CLAIM 12

Applicants appreciate the examiner's suggestion for improving the language of claim 3, which has been adopted.

Support for the "oxychlorination", as in new claim 12, is found, *inter alia*, in applicants' examples.

Support for "powder form for use as a fluidized-bed catalyst", as in new claim 12, is found, *inter alia*, at page 3, lines 8-9 and 14-15 and the examples.

Support for the "pulverulent" (i.e., powdered) of claim 5 is found at page 3, line 9.

Otherwise, the amendments are of a house-keeping nature for better compliance with USPTO practice.

THE REJECTIONS OVER PRIOR ART

The claims were rejected under 35 USC 102 over Courty et al.(US 4,381,415) (Courty) or Convers et al. (US 4,460,699) (Convers).

Neither reference anticipates applicants' invention as now claimed, because neither teaches the catalyst in "powder form for use as a fluidized-bed catalyst." Moreover, Courty's catalyst is not disclosed as useful as an "oxychlorination catalyst."

Further, and not insignificantly, the disclosures of the reference -- in particular that of Courty at col. 3, lines 55-60 and Convers at col. 4, lines 51-61 -- taken in their context are of an encyclopedic nature. As noted in *Air Products and Chemicals, Inc. v.*

WALSDORFF et al., Ser. No. 09/847,298

Chas. S. Tanner Co. et al., 219 USPQ 223, 231 (DC SC 1983) :

"picking and choosing" from an encyclopedic disclosure will not anticipate. *In re Arkley*, 455 F.2d 586, 172 USPQ 524 (CCPA 1972); *In re Samour*, 571 F.2d 559, 562, 197 USPQ 1, 3-4 (CCPA 1978); *General Battery Corp. v. Gould, Inc.*, 545 F.Supp. 731, 740, 215 USPQ 1007, 1013-14 (D.Del. 1982).

Nor would either of the references have motivated the skilled worker to employ applicants' invention.

CONCLUSION

For the foregoing reasons, allowance is respectfully solicited.

Should a fee be required, kindly charge Deposit Account No. 11-0345.

Respectfully submitted,

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